

SUPPORT FOR THE AMENDMENTS

Claims 1-5 have been canceled.

No new matter is believed to be entered by the present amendments.

REMARKS

Claims 6-7 are pending in the present application.

The rejection of Claims 1-5 under 35 U.S.C. §102(b) over Tsutomu (JP 2001-348515) is obviated by amendment.

Applicants make no statement with respect to this ground of rejection other than to maintain their position on the lack of anticipation for the reasons set forth in the response filed on December 8, 2008. In no way do Applicants acquiesce to the Examiner's maintained rejections over Claims 1-5. Nonetheless, to expedite examination of Claims 6-7, Claims 1-5 have been canceled herein.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 6-7 under 35 U.S.C. §103(a) over Takahashi et al (US 2004/0202956) is respectfully traversed.

Takahashi et al disclose octamethoxytrisiloxane in paragraph [0076]. However, it is only one example in the other various compounds. Furthermore, the octamethoxytrisiloxane is exemplified as one of low molecular weight compounds. Consequently, if it is subjected in a photoreaction, the octamethoxytrisiloxane itself will react. This photoreaction does not mean that a hydrolysis and condensation compound of octamethoxytrisiloxane, which is not a low molecular weight compound, reacts during the course of the reaction.

Takahashi et al disclose that an organometal compound (E) may be further contained in the composition to promote hydrolysis and condensation reaction in paragraph [0109]. However, as disclosed on paragraph [0110], the organometal compound (E) is added to promote a polymerization or crosslinking reaction of the hydrolysable metal compound (A) after irradiation of light. This reaction by the organometal compound (E) is not for subjecting

the hydrolysable metal compound (A) in hydrolysis and condensation reaction “before irradiation of light”, for example, “when it is stored”.

In Examples 25 and 26, an organometal compound (E) was added and stirred under properly heating and light-shielding and then UV rays were irradiated to the obtained photoreactive composition. The gelling ratio, immediately after irradiation, was 2.1 or 2.4% by weight [re. Table 5]. Applicants submit that the obtained photoreactive composition before irradiation did not contain a hydrolysis and condensation compound of the compound (A) because the gelling ratio, immediately after irradiation, was very low. Furthermore, even if the photoreactive composition before irradiation contained a hydrolysis and condensation compound of the compound (A), the main chain of the hydrolysis and condensation compound would consist of polypropyleneglycol chain, and this compound is different in chemical structures from the siloxane compound (A) in the present invention. Thus, the claimed invention is not obvious in view of the disclosure of Takahashi et al.

Applicants refer the Examiner to Comparative Examples 1 and 3-5 of the present specification in which an alkyl silicate, without hydrolysis and condensation reaction, was used for photoreaction. Table 1-1 clearly shows the inferior mar resistance and film adhesion properties of Comparative Examples 1 and 3-5. In contrast, in the present invention, the specific siloxane compound (A), which is a hydrolysis and condensation compound of the specific alkyl silicate, is used for photoreaction (i.e., curing reaction), and it results in excellent properties, for example, mar resistance and film adhesion properties as shown in Examples.

“Evidence of unobvious or unexpected advantageous properties, such as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. “Evidence that a compound is unexpectedly superior in one of a spectrum of common properties . . . can be enough to rebut a *prima facie* case of obviousness.” No set number of

examples of superiority is required. *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987)” Thus, the experimental data discussed above from the specification clearly illustrates that substantial benefits flowing from the claimed method, which are enough to rebut a *prima facie* case of obviousness.

Withdrawal of this ground of rejection is requested.

Applicants submit that the present application is now in condition for allowance.  
Early notification of such action is earnestly solicited.

Respectfully submitted,

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